

CONSTRUCTION  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF PRESCOTT

NR 90-2453

JPA #90-80

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF PRESCOTT, hereinafter called "CITY,

WHEREAS, the STATE is empowered by Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the CITY is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway

System in the City of Prescott. This work shall consist of the installation of new traffic signals at the following location:

US 89 at Willow Creek Road

MP 320.02 -Prescott

Project #SX 003 01C F025-2-512 89 YV 320

NOW THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall furnish all materials and construct the traffic signals on US 89 at Willow Creek Road, MP 320.02 in the City of Prescott.

2. The CITY, upon completion of the work shall reimburse the State for 25% of the final construction and engineering costs on US 89 at Willow Creek Road, MP 320.02, not to exceed \$20,000 for its share of the cost of the work.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. §38-511.

5. The provisions of A.R.S. §35-214 are applicable to this Agreement.

6. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

7. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

8. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

Const JPA #90-80

STATE OF ARIZONA  
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:   
State Traffic Engineer

DATE: August 27, 1990

CITY OF PRESCOTT

BY: Robert A Morgan

TITLE: MAYOR

DATE: August 15, 1990

ATTEST:  
Marie L. Watson  
City Clerk

EXHIBIT "A"

RESOLUTION NO. 2324

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 2315 AND APPROVING AN AMENDED INTERGOVERNMENTAL AGREEMENT, JPA #90-80, AND APPROVING A LETTER ADDENDUM TO MAINTENANCE AGREEMENT, AG #79-867, BETWEEN THE CITY OF PRESCOTT AND THE STATE OF ARIZONA, PURSUANT TO PRESCOTT CITY CHARTER AND ARIZONA REVISED STATUTES, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE.

WHEREAS, the Mayor and Council adopted Resolution No. 2315 on July 10, 1990, approving an intergovernmental agreement, between the State of Arizona and the City of Prescott for the installation of traffic signalization at U. S. Highway 89, Willow Creek Road and MacCurdy Drive; and

WHEREAS, it is desired to rescind Resolution No. 2315 and adopt a new resolution approving an amended intergovernmental agreement allowing the State of Arizona to furnish materials and construct the new traffic signals at Highway 89, Willow Creek Road, and MacCurdy Drive with its own forces rather than building the project by contract as originally anticipated; and

WHEREAS, it is also desired to approve a letter addendum to the maintenance intergovernmental agreement, AG #79-867, Secretary of State #5966, dated November 27, 1979, adding the new traffic signals at Highway 89, Willow Creek Road and MacCurdy Drive to that agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

THAT, Resolution No. 2315 is hereby rescinded; and

THAT, the Construction Intergovernmental Agreement, JPA #90-80, as amended, between the State of Arizona and the City of Prescott for the installation of traffic signalization at U. S. Highway 89, Willow Creek Road and MacCurdy Drive is hereby approved; and

THAT, the Letter Addendum to the Maintenance Intergovernmental Agreement, AG #79-867, Secretary of State #5966, dated November 27, 1979, is hereby approved; and

THAT, the Mayor and staff are authorized to execute the Intergovernmental Agreement and Letter Addendum and to take any and all steps deemed necessary to accomplish the above.

EXHIBIT "B"

APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF PRESCOTT and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 15<sup>th</sup> day of August, 1990.

CITY OF PRESCOTT

BY:

ELL M. Van Ryser

City Attorney

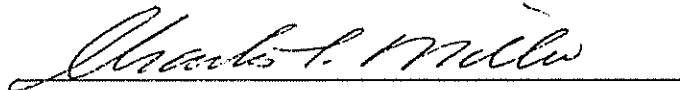
CONSTRUCTION - TRAFFIC SIGNALS

Project 89 YV 320 SX 003 01C F025-2-512  
US 89 at Willow Creek Road, MP 320.02

CITY OF PRESCOTT

RESOLUTION

BE IT RESOLVED on this 8th day of June, 19 90, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the CITY OF PRESCOTT for the installation of traffic signals and/or highway lighting justified by a signal warrant study. The City of Prescott shall reimburse the STATE for 25% of the final construction and engineering costs not to exceed \$20,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



CHARLES L. MILLER, Director  
ARIZONA DEPARTMENT OF TRANSPORTATION



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR90-2453, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 19 day of September, 1990

ROBERT K. CORBIN  
Attorney General

Joe Arastoy  
Assistant Attorney General  
Transportation Division